

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

**REVISED NOTICE REGARDING
MOTIONS FOR RELIEF FROM STAY
IN CHAPTER 13 CASES
WHERE MOVANT REFUSES TO WAIVE
THE 30-DAY HEARING REQUIREMENT**

This notice revises and updates the notice previously issued on January 19, 2007. Judges Coachys and Otte have decided to follow the same procedure for handling non-waiver motions for relief from stay in Chapter 13 cases as used by Judge Metz since the previous notice. **This change is effective in cases assigned to Judges Otte and Coachys for all motions filed on or after November 1, 2007.**

As of June 1, 2005, hearings on relief from stay motions in Chapter 13 cases have been scheduled in this Court on Tuesdays. Given the large number of chapter 13 matters routinely set on the court's Tuesday calendar, it is rare that there is a Tuesday hearing date available within thirty (30) days from the date the motion is filed.

The number of movants who refuse to waive the 30 day requirement under 11 U.S.C. §362(e) has risen dramatically. To accommodate the hearing request of a movant under such circumstances, it will be necessary to hold a hearing on such motion on a day other than a Tuesday. Therefore, if the movant refuses to waive the 30-day hearing requirement, the Court will hold an **evidentiary** hearing on the relief from stay motion on a non-Tuesday within thirty days of the date the motion is filed. All parties will be *expected* to be prepared for trial and produce and present as evidence whatever documentation and *testimony* necessary to support their respective positions.

Should the movant request a continuance, the Court may deem that the movant has waived its right to a hearing within the thirty (30) day period.

October 18, 2007

Kevin P. Dempsey
Clerk